

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE LOWER MANHATTAN DISASTER SITE  
LITIGATION  
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Case No.: 21 MC 102 (AKH)

KAZIMIERZ WALEK ( AND WIFE, STEFANIA  
WALEK),

Plaintiff(s),

-against-

ALAN KASMAN DBA KASCO, *et al.*,

Defendant(s).  
-----X

Docket No.: 07-CV-05327-AKH

**STIPULATION OF  
DISCONTINUANCE AS TO  
DEFENDANTS, LEHMAN  
BROTHERS, INC., LEHMAN  
COMMERCIAL PAPER, INC.  
AND LEHMAN BROTHERS  
HOLDINGS, INC. ONLY.**

**IT IS HEREBY STIPULATED AND AGREED** by and between the undersigned for the parties herein, that whereas no party herein is an infant, incompetent person for whom a committee has been appointed or conservatee and no person not a party has an interest in the subject matter of this action and based on the representation of the within defendant, and to the extent of Plaintiff(s) can so Stipulate that each claim, cross-claim and counter-claim asserted by and against defendants LEHMAN BROTHERS, INC., LEHMAN COMMERCIAL PAPER, INC. AND LEHMAN BROTHERS HOLDINGS, INC. (hereinafter collectively referred to as "LEHMAN"), only as to the claims being made as to the premises located at 200 Vesey and 3 World Financial Center, New York, New York shall be and the same hereby are discontinued without prejudice and without costs to any party as against the other.

**IT IS FURTHER STIPULATED AND AGREED** that should evidence be discovered throughout the course of the litigation which determines that the LEHMAN is a proper party to this suit, that plaintiff(s) may reinstitute the action without regard to the applicable Statute of

Limitations, assuming said original action was timely commenced, and in such instance Defendants shall not assert Statute of Limitation as a defense.

This Stipulation may be filed without further notice with the Clerk of the Court.

Dated: New York, New York  
January 30, 2008

McGIVNEY & KLUGER, P.C.  
Attorneys for Defendants  
LEHMAN BROTHERS, INC., LEHMAN  
COMMERCIAL PAPER, INC. and  
LEHMAN BROTHERS HOLDINGS, INC.,

WORBY GRONER EDELMAN & NAPOLI  
BURN, LLP  
Attorneys for Plaintiff(s)  
KAZIMIERZ WALEK (WIFE, STEFANIA WALEK),

By: \_\_\_\_\_

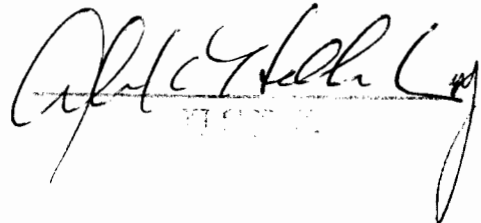
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By: \_\_\_\_\_

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DO NOT WRITE

6/17/08

  
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RICHARD E. LEFF